

HOUSE No. 203

By Ms. Balser of Newton, petition of Ruth B. Balser and others to protect psychotherapy patients. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

PETITION OF:

| | |
|---------------------|-------------------------|
| Ruth B. Balser | William N. Brownsberger |
| Susan C. Fargo | Mary E. Grant |
| John W. Scibak | Barbara A. L'Italian |
| Ellen Story | Steven A. Tolman |
| Douglas W. Petersen | James R. Miceli |

In the Year Two Thousand and Seven.

AN ACT TO PROTECT PSYCHOTHERAPY PATIENTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 112 of the General Laws, as appearing in
2 the 2004 Official Edition, is hereby amended in section 65A by
3 inserting after the first sentence the following new paragraph:—

4 The division of professional licensure may, after a consent agree-
5 ment between the parties or after an opportunity for an adjudicatory
6 hearing held pursuant to chapter 30A, assess and collect a civil
7 administrative penalty not to exceed \$1,000 for the first violation
8 and a civil administrative penalty not to exceed \$2,500 for a second
9 or subsequent violation, upon a person who, without holding the
10 required license or fulfilling supervised experience for licensure
11 under the qualified supervision of a licensee, holds himself out to the
12 public as a psychotherapist or represents that the service he is
13 offering is psychotherapy in violation of section sixty-five F.

1 SECTION 2. Said chapter 112 is hereby amended by adding the
2 following new section:—

3 65F. No person shall hold himself out to the public as a psy-
4 chotherapist or represent that the service he is offering is psy-

5 chotherapy, unless (a) he is currently licensed as a physician, psy-
6 chologist, social worker, psychiatric nurse mental health clinical spe-
7 cialist, marriage and family therapist, or mental health counselor and
8 is practicing within the scope of practice of such license or (b) he is
9 a student, intern or person fulfilling supervised experience for licen-
10 sure in the above professions under the qualified supervision of a
11 licensee.

12 This section shall not apply to an activity, service or use of an
13 official title by a person providing services for a federal, state,
14 county or municipal agency or public or private educational institu-
15 tion or a clinic licensed by the commonwealth, if the person is per-
16 forming services within the scope of the person's employment. Any
17 person who violates this section shall for the first offense be pun-
18 ished by a fine of not more than one thousand dollars; and for a
19 second or subsequent offense, by a fine of not more than two thou-
20 sand five hundred dollars.